

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**JOHNATHAN YASEVICH et al.,
Each Individually and on Behalf of
All Others Similarly Situated**

PLAINTIFFS

v.

CASE NO. No. 3:20-cv-19-KGB

**THE HERITAGE COMPANY, INC.
and SANDRA FRANECKE**

DEFENDANTS

MOTION FOR PARTIAL SUMMARY JUDGMENT

COMES NOW Defendants, Heritage Company, Inc. (“Heritage”) and Sandra Franecke (“Franecke”) by and through their attorneys, Charles Darwin “Skip” Davidson, Nickolas W. Dunn, and the Davidson Law Firm, and for their Motion for Partial Summary Judgment states:

1. Plaintiffs filed their Complaint against Defendants Heritage and Franecke originally on January 22, 2020, alleging violations of the Fair Labor Standards Act (“FLSA”), the Arkansas Minimum Wage Act (“AMWA”), and the Worker Adjustment and Retraining Notification Act (“WARN Act”).

2. On February 28, 2020, Plaintiffs filed their First Amended and Substituted Complaint—Class and Collective Action against Defendants.

3. There are no genuine issues of material fact regarding the claims against Franecke and she is entitled to judgment on Plaintiffs’ claims as a matter of law.

4. In further support of their motion Defendants hereby incorporate and rely upon the following:

- a. Exhibit A - Affidavit of Jennifer Franecke.
- b. Exhibit B - Deposition of Johnathan Yasevich.

- c. Exhibit C - Johnathan Yasevich Supplemental Response to Discovery.
- d. Exhibit D - Kathy Burdress Response to Discovery.
- e. Exhibit E - Detrick Brown Response to Discovery.
- f. Exhibit F - Jerol Amaya Response to Discovery.
- g. Exhibit G - Gabrielle Anderson Response to Discovery.
- h. Defendants' Brief in Support of their Motion filed contemporaneously herewith including exhibits and affidavits.
- i. Defendants' Statement of Undisputed Facts filed contemporaneously herewith.

WHEREFORE, Defendants, Heritage and Franecke, pray this Honorable Court grant this Motion for Partial Summary Judgment, enter an Order dismissing Franecke from this proceeding, and for all other just and proper relief.

Respectfully submitted,

Charles Darwin "Skip" Davidson; ABN 73026
Nickolas W. Dunn, ABN 2019115

DAVIDSON LAW FIRM

724 Garland, Cantrell at State

P.O. Box 1300

Little Rock, AR 72201

(501) 320-5132

Fax: (501) 374-5917

E-mail: skipd@dlf-ar.com

nickd@dlf-ar.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, Nickolas W. Dunn, do hereby certify that I have sent via:

- ☐ Hand Delivery
- ☐ Telefax
- ☐ Electronic mail
- ☐ U.S. Mail
- ☐ U.S. Mail, Certified, Return Receipt (as noted below)
- ☐ STATE CM/ECF System
- ☒ Federal Court ECF System (as noted below)

this **5th** day of **June 2023**, a true and complete copy of the forgoing to the following individuals:

Josh Sanford
Daniel Ford
SANFORD LAW FIRM, PLLC
650 S. Shackleford, Suite 411
Little Rock, Arkansas 72211

Nickolas W. Dunn